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Re: Application No. 10/092,685

Contents:

One (1) copy of a reply brief on appeal (2 pages)

SHIFAX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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Applicant: S.C.M. Lin

Certificate of Transmission
Pursuant to 37 C.F.R. § 1.8

Serial No.: 10/092,685

For: Electrical Contact Arrangement
for Hearing Instruments

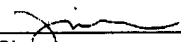
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Filed: March 7, 2002

Joel Miller
Attorney Name

29,955
Reg. No.

Group: 2643


Signature

April 12, 2005
Date of Signature

Examiner: Phylesha L. Dabney

Att'y Dkt.: 2002 P 3667 US

Reply Brief on Appeal

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Via Facsimile Only

Sir:

This reply brief responds to the examiner's answer mailed March 8, 2005.

Formal Matters

Related Appeals and Interferences

Contrary to the statement in ¶ 2 of the answer, the brief in this matter clearly states on page 1 that there are no related appeals or interferences.

Grouping of Claims

Since the applicants suggested that the Board may rely upon claim 1 to represent all three groups (claims 1 and 2; claims 5 and 6; and claims 9 and 10), an argument per 37 C.F.R. § 192(c)(7) was not made.

Reply Argument

Notwithstanding the bald assertions on page 4 of the answer that Robinson et al. shows or teaches a contact assembly or a contact "conforming to the battery door," the answer fails to establish that the reference does in fact disclose, teach, or suggest the claimed structure. Robinson et al.'s contacts cannot conform to its battery door 101 as the door is an external structure attached by a pin to the outside of the faceplate 10 and therefore remains on the outside (see Figure 1 and Robinson et al., column 2, lines 53-62).

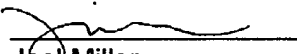
Additionally, the contacts do not even conform to the contour of the battery (elements 100 - battery portion and 108 - battery; not 140 - a retaining flange). The battery 100, 108 is physically separated from the contacts by the retaining flange 140 and its shoulder 146, and the contacts remain vertical (see Figures 5 and 6 illustrating the vertical orientation of the contacts). Given the configuration of the components in Robinson et al., the space-saving benefit of the applicant's conforming contacts is not realized.

Finally, the answer does not provide any evidence that overcomes the fact that the contacts of Robinson et al. are not affixed to the faceplate, a structure described and claimed by the applicant. Rather, the contacts of Robinson et al. are affixed to a separate, discrete structure, removable from the faceplate.

The applicant respectfully requests that the Board reverse the examiner and direct that the application be passed to allowance.

Dated: April 12, 2005

Respectfully submitted,


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